

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

USDC SDNY
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NECA-IBEW PENSION TRUST FUND
and DENIS MONTGOMERY, on behalf of
themselves and all others similarly situated,

Plaintiffs,

-against-

BANK OF AMERICA CORPORATION, *et al.*,

Defendants.

No. 10 Civ. 440 (LAK) (HBP)

ECF CASE

JOINT STIPULATION
AND [PROPOSED]
ORDER

WHEREAS, on February 9, 2012, Magistrate Judge Henry B. Pitman filed a report and recommendation (the "R&R") in which he recommended that Defendants' motions to dismiss Plaintiffs' first amended complaint ("FAC") be granted in their entirety and that Plaintiffs' application to amend their complaint be denied without prejudice to renewal by way of formal motion [Dkt. No. 54];

WHEREAS, on March 15, 2012, the Plaintiffs filed a Motion for Leave to File a Second Amended Complaint (the "Motion") [Dkt. Nos. 61-63];

WHEREAS, on March 16, 2012, Judge Lewis A. Kaplan overruled Plaintiffs' objections to the R&R, granted Defendants' motions to dismiss, and noted that "the defendants are free to oppose [the Motion] should they wish to do so, on the ground that the proposed amendment would be futile" [Dkt. No. 65];

WHEREAS, by order dated March 16, 2012, the motion was referred to Judge Pitman [Dkt. No. 64];

WHEREAS, Defendants' opposition to the Motion is currently due on April 2, 2012;

WHEREAS, Plaintiffs' reply to Defendants' opposition is currently due on April 9, 2012;

WHEREAS, the parties have conferred and agreed to a modified briefing schedule for the Motion; and

WHEREAS, there has been no prior request to modify the briefing schedule for this Motion;

NOW THEREFORE, IT IS HEREBY STIPULATED AND AGREED, by and among the undersigned counsel, as follows:

1. Defendants shall serve and file any opposition to the Motion on or before April 20, 2012; and
2. Plaintiffs shall serve and file any reply in response to Defendants' opposition on or before May 18, 2012.

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SO ORDERED:


Hon. Henry B. Pitman
United States Magistrate Judge

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